

REMARKS/ARGUMENTS

Claims 1-7, 9-14 and 16-18 are pending in the application. Claims 8 and 15 have been cancelled.

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. In particular, the Examiner states that the specification does not provide support for having deformities on another side without ridges, and does not use the term "ridges". Also the Examiner objected to the drawings on the ground that they must show the panel having deformities on an opposite side not having ridges or this feature must be cancelled from the claims.

To overcome these objections, page 11 of the specification has been amended to state that the prismatic or other reflective or refractive surfaces 25 formed on the exterior of the panel come together to form ridges 25' that are quite small in relation to the width and length of the light emitter as shown in Fig. 4d. Also new formal drawings are submitted herewith in which reference numeral 25' has been added to Fig. 4d and two new drawing Figures 4e and 4f have been added. Fig. 4e shows a pattern of light extracting deformities 25 on both sides of the panel member, whereas Fig. 4f shows a pattern of light extracting deformities 25 on one side of the panel member and a pattern of light extracting deformities 21 on the other side of the panel member. These two new drawing figures and related description on pages 3 and 12 of the specification are clearly supported by the original drawing Figures 4a-d and the description on page 12, lines 1-5 of the specification that a pattern of light extracting deformities 21, 23, 24 and/or 25 may be provided on one or both sides of the panel member. Accordingly, withdrawal of these objections is respectfully requested.

Claims 1-3, 5-7, 9-14 and 16-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-97 of U.S. Patent 5,613,751 and claims 1-25 of U.S. Patent 6,755,547 and claims 1-31 of U.S. Patent 6,749,312. Also claims 1-7, 9-14 and 16-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent 6,712,481, claims 1-44 of U.S. Patent 6,752,505, and claims 1-18 and 1-31 of U.S. Patent 6,755,547. According to the Examiner, although the conflicting claims are not identical, they are not patentably distinct from each other because the applicants merely used slightly different wording to claim the same inventions as the claims of these U.S. patents.

Applicants respectfully disagree with these rejections. Nevertheless, terminal disclaimers in compliance with 37 CFR 1.321(c) are filed herewith to overcome these non-statutory double patenting rejections based on U.S. Patents 5,613,751, 6,712,481, 6,752,505, 6,755,547, and 6,749,312.

Claims 1-3, 5-7, 9-14 and 16-18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-37 of copending Application No. 10/729,113 and claims 1-34 of copending Application No. 10/784,527. Also claims 1-7, 9-14 and 16-18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of copending Application No. 10/324,880; claims 1-16 of copending Application No. 10/324,882, claims 1-27 of copending Application No. 10/325,573 and claims 1-73 of copending Application No. 10/619,815.

Application No. 10/325,573 corresponds to U.S. Patent 6,749,312, for which a terminal disclaimer is filed herewith.

As to the other copending applications, if and when claims are allowed in the present application and in these copending applications that are not patentably distinct from each other, appropriate terminal disclaimers will be filed forthwith.

Claims 1-3, 5-7, 9-14 and 16-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Nos. 6,752,505, 6,079,838, 6,755,547 and 5,876,107 and U.S. Application No. 10/784,527. As noted by the Examiner, the inventive entity of each of these patents/application is different from the present application. However, the claimed invention of the present application is entitled to the priority date of June 25, 1995, which is earlier than the priority date of February 23, 1999 of U.S. Patent 6,752,505 and the same as the priority date of U.S. Patents 6,079,838, 6,755,547 and 5,876,107 and U.S. Application No. 10/784,527. Accordingly, it is respectfully submitted that none of these patents/pending application is prior art against the claimed invention of the present application under 35 U.S.C. § 102(e).

Claims 1-3, 5-7, 9-14 and 16-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,613,751. However, the claimed invention of the present application is entitled to the same priority date of June 27, 1995 as U.S. Patent 5,613,751. Accordingly, U.S. Patent 5,613,751 does not constitute prior art under 35 U.S.C. § 102(b).

Claims 1-7, 9-14 and 16-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rudisill et al U.S. Patent 5,339,179. According to the Examiner, Rudisill et al discloses an optical assembly comprising at least a light emitter, a pattern of


individual deformities (48 and 50) of well defined shape that are projections or depressions on or in at least one side of the light emitter for controlling an output ray angle distribution of light emitted from at least one surface area of the light emitter to suit a particular application, the deformities being quite small in relation to a width and length of the light emitter, at least some of the deformities having two or more surfaces that come together to form a ridge having a total length that is quite small in relation to the width and length of the light emitter, the ridge of at least some of the deformities having ends that intersect the light emitter or other deformities where the ridge ends, and additional deformities that are projections or depressions on or in an opposite side of the light emitter, which can be conical (no ridges), triangular or random on either side. However, nowhere does Rudisill et al disclose or suggest such an optical assembly in which at least some of the deformities interlock or intersect other deformities as recited in these claims. To the contrary, Rudisill et al discloses in column 4, lines 38-40 that the pits 48 consume 40 to 70% of the top surface area 44. Also Rudisill et al discloses in column 5, line 68 and column 68, lines 1 and 2 that the small size and close spacing of the pits/deformities eliminate the need to hide them with a diffusing material. Accordingly, claims 1-7, 9-14 and 16-18 are submitted as clearly allowable.

For at least the foregoing reasons, this application is now believed to be in condition for final allowance of all of the pending claims 1-7, 9-14 and 16-18, and early action to that end is respectfully requested. Should the Examiner disagree with applicants' attorney in any respect, it is respectfully requested that the Examiner telephone applicants' attorney in an effort to resolve such differences.

In the event that an extension of time is necessary, this should be considered a petition for such an extension. If required, fees are enclosed for the extension of time and/or for the presentation of new and/or amended claims. In the event any additional fees are due in connection with the filing of this reply, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (Attorney Docket GLOLP0108USI).

Respectfully submitted,

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